

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ashley Albert

(b) County of Residence of First Listed Plaintiff San Francisco, California
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (*Firm Name, Address, and Telephone Number*)
Kirk & Ingram, LLP
43 West 43rd St., Suite 279
New York, NY 10036-7424
(212) 859-3504

DEFENDANTS

Jonathan Schnapp and LAC Services I, Inc., as Trustee
of the Schnapp Family Business Trust

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Garfunkel Wild, P.C.
111 Great Neck Road, Suite 600
Great Neck, NY 11021

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity
(Indicate Citizenship of Parties)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff
(For Diversity Cases Only) and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (*Place an "X" in One Box Only*)

[Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure		<input type="checkbox"/> 422 Appeal 28 USC 158		<input type="checkbox"/> 375 False Claims Act	
<input type="checkbox"/> 120 Marine		<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 423 Withdrawal 28 USC 157		<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	
<input type="checkbox"/> 130 Miller Act		<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury					<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 140 Negotiable Instrument		<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability					<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment		<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability					<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 151 Medicare Act		<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> 710 Fair Labor Standards Act				<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)		<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 720 Labor/Management Relations				<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits		<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 740 Railway Labor Act				<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 160 Stockholders' Suits		<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 751 Family and Medical Leave Act				<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	
<input checked="" type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 790 Other Labor Litigation				<input type="checkbox"/> 485 Telephone Consumer Protection Act	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 390 Product Liability	<input type="checkbox"/> 791 Employee Retirement Income Security Act				<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 196 Franchise								<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
REAL PROPERTY		CIVIL RIGHTS		PRISONER PETITIONS		SOCIAL SECURITY			
<input type="checkbox"/> 210 Land Condemnation		<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> Habeas Corpus:		<input type="checkbox"/> 861 HIA (1395ff)			
<input type="checkbox"/> 220 Foreclosure		<input type="checkbox"/> 441 Voting		<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 862 Black Lung (923)			
<input type="checkbox"/> 230 Rent Lease & Ejectment		<input type="checkbox"/> 442 Employment		<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 863 DIWC/DIWW (405(g))			
<input type="checkbox"/> 240 Torts to Land		<input type="checkbox"/> 443 Housing/ Accommodations		<input type="checkbox"/> 530 General		<input type="checkbox"/> 864 SSID Title XVI			
<input type="checkbox"/> 245 Tort Product Liability		<input type="checkbox"/> 445 Amer. w/Disabilities - Employment		<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 865 RSI (405(g))			
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 446 Amer. w/Disabilities - Other		<input type="checkbox"/> Other:					
		<input type="checkbox"/> 448 Education		<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 462 Naturalization Application			<input type="checkbox"/> 490 Cable/Sat TV	
				<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
				<input type="checkbox"/> 555 Prison Condition				<input type="checkbox"/> 893 Environmental Matters	
				<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement				<input type="checkbox"/> 895 Freedom of Information Act	
CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance		<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure		<input type="checkbox"/> 422 Appeal 28 USC 158		<input type="checkbox"/> 375 False Claims Act	
<input type="checkbox"/> 120 Marine		<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 423 Withdrawal 28 USC 157		<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	
<input type="checkbox"/> 130 Miller Act		<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury					<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 140 Negotiable Instrument		<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability					<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment		<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud					<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 151 Medicare Act		<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending					<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)		<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage					<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits		<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage					<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 160 Stockholders' Suits		<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 390 Product Liability					<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	
<input checked="" type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 360 Other Personal Injury						<input type="checkbox"/> 485 Telephone Consumer Protection Act	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 362 Personal Injury - Medical Malpractice						<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 196 Franchise								<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
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<input type="checkbox"/> 240 Torts to Land		<input type="checkbox"/> 443 Housing/ Accommodations		<input type="checkbox"/> 530 General		<input type="checkbox"/> 864 SSID Title XVI			
<input type="checkbox"/> 245 Tort Product Liability		<input type="checkbox"/> 445 Amer. w/Disabilities - Employment		<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 865 RSI (405(g))			
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				<input type="checkbox"/> 555 Prison Condition				<input type="checkbox"/> 893 Environmental Matters	
				<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement				<input type="checkbox"/> 895 Freedom of Information Act	

V. ORIGIN (*Place an "X" in One Box Only*)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (***Do not cite jurisdictional statutes unless diversity***):
28 U.S.C. § 1332

VI. CAUSE OF ACTION

Brief description of cause:
Breach of contract and demand for specific performance of sale of assets; attorneys' fees

VII. REQUESTED IN COMPLAINT:

(Gardiner et al., 1998)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD
/s/ David E. Kirk

FOR OFFICE USE ONLY

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, David E. Kirk, counsel for Plaintiff Ashley Albert, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000.00 exclusive of interest and costs,
- the complaint seeks injunctive relief, or
- the matter is otherwise ineligible for the following reason:

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks. Add an additional page if needed.

N/A

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 3 in Section VIII on the front of this form. Rule 3(a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 3(a) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case involves identical legal issues, or the same parties." Rule 3 further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (b), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NEW YORK EASTERN DISTRICT DIVISION OF BUSINESS RULE 1(d)(3)

If you answer "Yes" to any of the questions below, this case will be designated as a Central Islip case and you must select Office Code 2.

1. Is the action being removed from a state court that is located in Nassau or Suffolk County? Yes No
2. Is the action—not involving real property—being brought against United States, its officers or its employees AND the majority of the plaintiffs reside in Nassau or Suffolk County? Yes No
3. If you answered "No" to all parts of Questions 1 and 2:
 - a. Did a substantial part of the events or omissions giving rise to claim or claims occur in Nassau or Suffolk County? Yes No
 - b. Do the majority of defendants reside in Nassau or Suffolk County? Yes No
 - c. Is a substantial amount of any property at issue located in Nassau or Suffolk County? Yes No
4. If this is a Fair Debt Collection Practice Act case, was the offending communication received in either Nassau or Suffolk County? Yes No

(Note, a natural person is considered to reside in the county in which that person is domiciled; an entity is considered a resident of the county that is either its principal place of business or headquarters, or if there is no such county in the Eastern District, the county within the District with which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: /s/ David E. Kirk